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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

October 7, 2005

Attorney General Alberto R. Gonzales
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Gonzales:

Pursuant to its authority under Rule XXV(k)(1) of the Standing Rules of the Senate, Section 101 of S. Res 445 (108th Congress), and Section 11(e) of S. Res 50 (109th Congress), the Committee on Homeland Security and Governmental Affairs has initiated an investigation into the Nation's preparedness for, and response to, Hurricane Katrina. To aid in this investigation, we request that the Department of Justice provide the Committee (in accordance with the attached definitions and instructions) the following information and documents:

Specifically, please:

- (1) Describe each of the Department's roles, responsibilities, and authorities in providing any Emergency Support Function under the National Response Plan. With respect to each role, responsibility, or authority, please identify:
 - a. the statutory, regulatory or other source for that role, responsibility or authority;
 - b. the component or components within the Department involved in acting pursuant to that authority or discharging that role or responsibility;
 - c. the key personnel involved in acting pursuant to that authority or discharging that role or responsibility;

To the extent that the sources identified in response to subpart (a) are not publicly available, please provide copies of them.

- (2) To the extent not provided in response to the previous question, please describe any other roles, responsibilities and authorities of the Department in preparing for, and responding to, a domestic emergency. With respect to each specific role, responsibility, or authority, please identify:

- a. the statutory, regulatory or other source for that role, responsibility or authority;
- b. the component or components within the Department involved in acting pursuant to that authority or discharging that role or responsibility;
- c. the key personnel involved in acting pursuant to that authority or discharging that role or responsibility;

To the extent that the sources identified in response to subpart (a) are not publicly available, please provide copies of them.

- (3) Describe how each authority identified in response to items (1) and (2) was used and how each role or responsibility identified in response to items (1) and (2) was discharged in preparation for, and in response to, Hurricane Katrina. Please be specific as to the personnel and Department component or components involved and the dates and times activities occurred.
- (4) Pursuant to Emergency Support Function #13 of the National Response Plan, the Department, together with the Department of Homeland Security, is responsible for integrating "Federal public safety and security capabilities and resources to support the full range of incident management activities with potential or actual Incidents of National Significance." Identify and describe what specific actions were taken by the Department to fulfill this responsibility in preparation for, or response to, Hurricane Katrina, including, but not limited to:
 - a. the individuals and components within the Department responsible for these actions;
 - b. the process and organizational structure used to coordinate these actions with the Department of Homeland Security;
 - c. the process and organizational structure used to coordinate these actions with other federal departments and agencies, including, but not limited to, the Department of Defense;
 - d. the process and organizational structure used to coordinate these actions with state and local officials, including, but not limited to, the National Guard;

- e. the chain of command established for operational control of these actions;
- f. an inventory of the personnel and assets, including, but not limited to, any law enforcement resources, deployed in preparation for, or response to, Hurricane Katrina.

Please provide copies of all communications related to the activities described above and all records or logs of such communications.

- (5) Provide an organizational chart of the Department and any of its components involved in emergency preparedness or response. Identify the current occupant of all key positions.
- (6) To the extent that Department regulations, protocols, practices or procedures provide for one, describe the command structure the agency is supposed to utilize or establish to respond to a national emergency of the type or magnitude of Hurricane Katrina. Please include both headquarters and field offices in your description.
- (7) Identify and provide copies of all after-action reports or other assessments prepared over the past five years under the direction of, or under contract through, the Department assessing the performance of Department elements, personnel, or programs in response to domestic emergencies, or exercises related to preparation for such emergencies, including, but not limited to, previous hurricanes.
- (8) Identify by name, title and responsibilities all Department personnel with significant responsibility for emergency preparedness and response who have not already been identified in response to a previous item.
- (9) Identify the element or office at the Department that is responsible for monitoring the status of hurricane warnings and informing the rest of the Department of such warnings. Please identify key individuals within that element or office.
- (10) Detail how and when, with specific reference to dates, times, and the personnel involved, the Department was first informed that:
 - a. it would have to take action to prepare for, or respond to, Katrina;

- b. the President issued emergency declarations for Louisiana, Mississippi and Alabama with respect to Katrina;
 - c. the President issued major disaster declarations for Louisiana, Mississippi and Alabama with respect to Katrina;
 - d. Katrina was an Incident of National Significance;
 - e. the National Response Plan was being activated;
 - f. any other annex or supplement to the National Response Plan was being activated.
- (11) Identify any standing or regular conference calls or meetings in which the Department participated during its preparation for, and response to, Katrina. Describe the purpose of the call or meeting, and identify all regular participants, including the names, titles and employers of each one. Please provide copies of any notes, summaries, transcripts, videos or other recordings of all such calls or meetings.
- (12) Identify and describe each request for assistance received by the Department related to Hurricane Katrina on or before September 6, 2005 . For each request, please specify:
- a. the date and time it was received;
 - b. who received it;
 - c. who lodged the request;
 - d. the assistance requested;
 - e. the Department's response to the request;
 - f. whether questions regarding reimbursement arose and, if so, whether reimbursement questions in any way delayed or affected the response;
 - g. the date and time orders were issued to fulfill the request;
 - h. the entity within the Department tasked to provide the assistance;

- i. the key personnel involved in processing and responding to the request;
and
 - j. the date and time the requested assistance was actually provided.
- (13) Identify and describe each request for assistance initiated by the Department related to Hurricane Katrina on or before September 6, 2005. For each request, please specify:
- a. the date and time it was made;
 - b. who lodged the request and to whom it was made;
 - c. the assistance requested;
 - d. the response to the request;
 - e. the date and time orders were issued to fulfill the request;
 - f. whether questions regarding reimbursement arose and, if so, whether reimbursement questions in any way delayed or affected the response;
 - g. the entity within the Department and key personnel involved in making the request;
 - h. the identity of those who responded to the request;
 - i. and the date and time the requested assistance was actually provided.
- (14) Describe all incidents during the Department's preparation for, or response to, Katrina when any officials or personnel of the U.S. Government expressed concern about whether the Department, or any other department, agency, or element of the U.S. Government, had the authority it needed to take any action that was requested of it, was offered by it, or was otherwise under consideration. Please be specific as to:
- a. the action in question;

- b. the nature of the concern;
 - c. who raised the concern;
 - d. who was involved in addressing the concern;
 - e. when the concern was raised and when it was resolved;
 - f. the manner in which the concern was resolved;
 - g. whether the action ultimately occurred; and
 - h. whether the action was delayed, hindered, or limited as a result of the concern.
- (15) Identify and describe the nature of any request for legal guidance received by the Department relating to the authorities, roles, or responsibilities of any federal or state department, agency, or other entity or personnel in preparation for, or in response to, Katrina. Please be specific as to:
- a. the date and time of the request;
 - b. the substance of the request;
 - c. by whom the request was made;
 - d. to whom the request was directed;
 - e. the Department personnel involved in addressing the request;
 - f. the Department's response to the request;
 - g. the recipients of the Department's response to the request;
 - h. the action, if any, taken or not taken as a result of the Department's response to the request.

Please provide copies of any documents incorporating or referencing such legal requests or the responses thereto, all related communications, and all records or logs of such communications.

- (16) To the extent not identified in (15) above, identify all legal opinions rendered by the Department relating to the authorities, roles, or responsibilities of any federal or state department, agency, or other entity or personnel in preparation for, or in response to, Katrina. Please be specific as to:
- a. the date and time the opinion was rendered;
 - b. the reason the opinion was rendered;
 - c. the legal issue(s) addressed by the opinion;
 - d. the Department entities and personnel involved in rendering the opinion;
 - e. the recipients of the opinion;
 - f. the action(s), if any, taken or not taken as a result of the opinion.

To the extent not provided in response to a previous request, please provide copies of all such opinions.

- (17) To the extent not identified in response to any previous item, identify and describe any legal issues considered by Department officials relating to the federalizing of National Guard troops in preparation for, or response to, Hurricane Katrina on or before September 6, 2005. Please identify the specific Department officials and entities involved and provide all related documents and communications.
- (18) To the extent not provided in response to any other previous item, provide all documents or communications related to the Department's preparation for, or response to, Hurricane Katrina between August 23, 2005 and September 6, 2005.

We request that these documents and information be provided as they become available but no later than November 3, 2005. If you or your staff have any questions concerning this request, please contact David Porter of the Committee's majority staff at 202-224-4751 or Raj De of the Committee's minority staff at 202-224-9432.

We thank you and your staff in advance for your cooperation.

Sincerely,

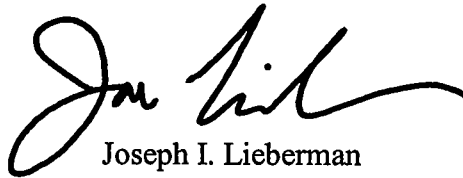
The Honorable Alberto Gonzales

October 7, 2005

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A handwritten signature in black ink, appearing to read "Susan Collins". The script is fluid and cursive.

Susan M. Collins
Chairman

A handwritten signature in black ink, appearing to read "Joe Lieberman". The script is fluid and cursive.

Joseph I. Lieberman
Ranking Member